

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

AMERICAN BOOKSELLERS
FOUNDATION FOR FREE
EXPRESSION, et al.,

Plaintiffs,

vs.

DANIEL S. SULLIVAN, in his
official capacity as ATTORNEY
GENERAL OF THE STATE OF
ALASKA,

Defendant.

Case No. 3:10-cv-0193-RRB

ORDER OF CLARIFICATION

Before the Court at Docket 48 is Defendant with a Motion for Clarification which is opposed by Plaintiffs at Docket 49.

The Court's Order at Docket 47 does not preclude law enforcement from seeking legitimate search warrants relating to violations of AS 11.41.452 or AS 11.41.455.

However, for the reasons set forth in its Order Granting Preliminary Injunction at Docket 47, AS 11.61.128 appears to be vague and over-broad on its face. Rather than specifically addressing the conduct apparently sought to be criminalized, i.e. the knowing transmittal of photographs of adult or prepubescent genitalia to a minor by one seeking to groom the minor for

exploitation, which would likely be a legitimate prohibition, the statute uses broad language that has been disfavored by many courts in the past. The Court has therefore found that Plaintiffs have shown a strong likelihood of success on the merits, a possibility of irreparable injury, and a balance of hardship favoring Plaintiffs.

Given the Court's previous order, AS 11.61.128 shall not be enforced pending further order of this Court.

IT IS SO ORDERED.

ENTERED this 17th day of November, 2010.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE